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**ATTORNEYS FOR PLAINTIFF AND THE PUTATIVE
CLASS (* denotes *pro hac vice* forthcoming)**

**THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION**

TRENTON SMITH, individually and
on behalf of all others similarly
situated,
Plaintiffs,
vs.
JOHN SHAHIDI, an individual;
NELK, INC. dba NELK, FULL
SEND, a Canadian Company,
METACARD, LLC, a Delaware
Limited Liability Company; NELK
USA, INC., a Delaware Corporation;
KYLE FORGEARD, an individual.
Defendants.)
Case No.: 8:25-cv-161-FWS-DFM
)
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CLASS ACTION
)
DECLARATION OF JOHN P.
KRISTENSEN IN SUPPORT OF
REQUEST BY JOHN P.
KRISTENSEN TO ATTEND
HEARING ON PLAINTIFF'S
MOTION TO COMPEL FURHER
RESPONSES TO DISCOVERY AND
FOR A PROTECTIVE ORDER
REMOTELY
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1) [Discovery Document: Referred to
2) Magistrate Judge Douglas F.
3) McCormick]
4)
4)

5 **DECLARATION OF JOHN P. KRISTENSEN**

6 I, John P. Kristensen, declare as follows:

7 1. I am an attorney licensed to practice before all Courts in the State of
8 California. I am the Managing Partner at Kristensen Law Group, and counsel of
9 record for Plaintiff. I have personal knowledge of all facts stated in this declaration
10 and, if called to testify as a witness, I could and would competently testify thereto.

11 2. The hearing on Motion to Compel Further Responses to Discovery
12 and for a Protective Order is scheduled for Tuesday October 14, 2025, at 10:00 a.m.
13 I am lead counsel.

14 3. On June 11, 2024, I was diagnosed with kidney cancer that had caused
15 blood clots to flood my lungs. I then underwent a full left nephrectomy to remove
16 the 19-centimeter, 2.2-pound tumor. A couple months later I started immunotherapy
17 which turned me into a type 1 diabetic and failed to fight the cancer. My newborn
18 son was seven weeks old at the time.

19 4. In early February 2025, the cancer came back, and I was diagnosed
20 with metastatic kidney cancer in the spine, lungs, abdomen, and kidney cavities.
21 The tumor in my L3 vertebrae was shattering my spine. My health deteriorated
22 substantially due to the cancer and the treatment, consisting of an aggressive 10
23 radiation sessions targeting the tumor in my spine.

24 5. To treat these conditions, I was undergoing a therapy of two drugs
25 that began in late March/early April 2025. At the same time, I underwent two
26 courses of intensive radiation therapy, each consisting of fifteen sessions directed
27 at the spine and lungs in March and then August 2025. In my most recent radiation
28 treatment, I underwent 15 sessions of radiation over three weeks that completed on



1 Friday, August 15, 2025.

2 6. The treatment of the two drugs showed promise and initially shrunk
3 the tumors per my May 2025 PT Scan. Anthem originally listened to the requests
4 of my oncologist and permitted a July 2025 PT scan approximately two months
5 later. The scan showed the tumors were stable with some growth in one, but no new
6 growths.

7. My oncologist requested another PT Scan, again two months later at
the beginning of September 2025. I have the platinum plan with Anthem, so I was
hopeful they would listen. Instead, they denied the PT Scan until October 2, 2025.
The results last week set me back, as it demonstrated the two-drug combination was
no longer suppressing the kidney cancer, and it has spread into multiple areas of
new growth. Having lost a month due to Anthem's cost cutting, I am seeking a new
trial, and a third round of radiation in my spine. My family and I are seeking new
treatment at this time.

5 8. I am also seeking to wind down parts of my practice, and I am looking
6 to avoid losing a day of travelling for a hearing that will likely last an hour.

I declare under penalty of perjury under the laws of the State of California
and the United States that the foregoing is true and correct and that this declaration
was executed on October 8, 2025, at Santa Barbara, California.

/s/John P. Kristensen

John P. Kristensen

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2 **CERTIFICATE OF SERVICE**

3 I hereby certify that on October 8, 2025, I electronically filed a true and
4 correct copy of the foregoing document with the Clerk of the Court using the
5 CM/ECF system, which will send notification of such filing to all counsel of
6 record.

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8 /s/ John P. Kristensen

9 John P. Kristensen

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